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Mortgage Electronic Registration Systems, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

ANDREW NEILSON,

Case No. 10-CV-1516-AC

Plaintiff,

v.

Defendant Wells Fargo Bank's
DECLARATION OF PILAR C. FRENCH IN
SUPPORT OF REQUEST FOR JUDICIAL
NOTICE

WELLS FARGO BANK, NA, a federally
chartered bank; **NORTHWEST TRUSTEE
SERVICES, INC.**, a Washington corporation;
**MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.**, a
Delaware corporation,

Defendants.

I, Pilar C. French, declare and state as follows:

1. I am an attorney at Lane Powell PC and one of the attorneys for defendants Wells Fargo Bank, N.A. and Mortgage Electronic Registration Systems, Inc. (collectively, "defendants"). I make this declaration based on my own personal knowledge and if called as a witness, I could and would competently testify to the facts stated herein.

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2. Attached as Exhibit 1 is the Deed of Trust, dated September 19, 2008, and signed by Andrew Neilson (“Trust Deed”). The Trust Deed was recorded September 24, 2008, in Clackamas County, Oregon as Document No. 2008-066465.

3. Attached as Exhibit 2 is an Appointment of Successor Trustee (the “Appointment”), dated July 29, 2009, appointing Northwest Trustee Services, Inc. as the Successor Trustee. The Appointment was recorded July 30, 2009, in Clackamas County, Oregon as Document No. 2009-054488.

4. Attached as Exhibit 3 is the Assignment of Deed of Trust (the “Assignment”), dated July 29, 2009. The Assignment was recorded July 30, 2009, in Clackamas County, Oregon as Document No. 2009-054487.

5. Attached as Exhibit 4 is the Notice of Default and Election to Sell (the “NOD 1”) dated July 29, 2009. NOD 1 was recorded July 30, 2009, in Clackamas County, Oregon as Document No. 2009-054489.

6. Attached as Exhibit 5 is the Rescission of NOD 1, dated August 9, 2010 (the “Rescission”). The Rescission as recorded August 10, 2010, in Clackamas County, Oregon as Document No. 2010-048211.

7. Attached as Exhibit 6 is the Notice of Default and Election to Sell (the “NOD 2”) dated August 9, 2009. NOD 2 was recorded August 10, 2009, in Clackamas County, Oregon as Document No. 2010-048212.

8. Attached as Exhibit 7 is a Mailing Notice Packet. The Packet was recorded November 24, 2010, in Clackamas County, Oregon as Document No. 2010-075301.

9. Attached as Exhibit 8 is a Letter Opinion, dated March 12, 2009, issued in *Parkin Electric, Inc. v. Saftencu, et al.*, Clackamas County Circuit Court Case No. LV08040727.

10. Attached Exhibit 9 is a Memorandum Decision, Findings of Fact and Conclusions of Law and Order Re: Defendants’ Motion to Dismiss and Plaintiff’s Motion to Compel, dated

July 2, 2010, issued in *Trotter v. Bank of New York Mellon*, Kootenai County District Court for the State of Idaho, Case No. CV-10-95.

11. Attached as Exhibit 10 is a Memorandum Decision, Findings of Fact and Conclusions of Law and Order Re: Defendants' Motion for Summary Judgment, dated November 16, 2010, issued in *Edwards v. Mortgage Electronic Registration Systems, Inc.*, Kootenai County District Court for the State of Idaho, Case No. CV-10-2745.

12. Attached as Exhibit 11 is a Memorandum Decision and Order, dated August 27, 2010, issued in *Samson v. McGinnis*, United States District Court for the District of Utah (Central Division), Case No. 2:10-cv-00301-TC.

13. Attached as Exhibit 12 is a Memorandum Decision and Order Granting Motion to Dismiss by Chase Home Finance and Denying Plaintiff's Motion for Summary Judgment, dated, August 16, 2010, issued in *King v. American Mortgage Network*, United States District Court for the District of Utah (Northern Division), Case No. 1:09-CV-125 TS.

14. Attached as Exhibit 13 is a cover sheet from First American Title Insurance Company of Oregon relating to the Property at issue in this case.

15. Attached as Exhibit 14 is business registry information generated by the Oregon Secretary of State Corporation Division relating to the Property.

16. Attached as Exhibit 15 is an Order, dated September 30, 2010, issued in *In Re Mortgage Electronic Registration Systems (MERS) Litigation*, United States District Court for the District of Arizona, MDL Docket No. 09-2119-JAT.

17. On or about December 15, 2010, counsel for plaintiff's contacted me regarding a preliminary injunction hearing to occur later that day. Counsel faxed a copy of the complaint and the motion for preliminary injunction to me, which I in turn forwarded to a contact I have in the Legal Department at Wells Fargo. I was advised that Wells Fargo did not have sufficient time to review the pleadings before the hearing and therefore did not want to retain me at that time. On December 28, I was retained by Wells Fargo and MERS. It does not appear from the

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documents I received from defendants that they were properly served with a summons and complaint or an order to show cause for the hearing scheduled on Monday, January 3, 2011. I learned of the hearing by checking the court docket on Thursday evening, December 30, 2010.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 3rd day of January 2011 in Portland, Oregon.

s/ Pilar C. French
Pilar C. French

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